The Evidence.

The taking of evidence was begun Thurscounty clerk in the box. Mr. McKeon ap has not been done. peared with a mighty volume, which proved then, of paying the sheriff, as they were conduct of each officer named, and where an don't follow that we will approve of any Board instructed me to issue an interestbearing order to W. R. Milligan, for \$5,942. 70. The authority for the issuance of this order was a resolution of the Board authorising the issuing of interest bearing orders at the March session.

al bills, making in fact the bills paid him for the first two years. prominent among which acts as given by two of the later compilawas the bill for the \$1,496.66 for traveling tions of our statutes. The legislature said expenses, which by mistake was paid twice. that county and other officers who collect [The prosecution then had the remainder of money belonging to the county or other corthe bills allowed Mr. Milligan read, which paration, and held it for safe keeping for have no better force than of tatablishing such corporation, and who fail to account the fast that he was paid money by the countherefor, shall be punished &c. But in ty. However, Mr. Mayo objected to the in- cases where such moneys are partially his, that sum be has received all but \$18,600 troduction of all the accounts of the office, or all, no fine can be imposed until a settleand said that he would admit the orders had ment shows what sum he holds and which he been drawn. But Mr. Brewer said that he refuses to pay. The Supreme Court in a desired to show that these orders had been certain case, actually made a decision upon can only be reached by so paltry a fine? I paid before the money was earned by Milli- a misprinted statute, stating the instance. gan; and to show this, he wanted the orders | The defendant has made his reports regular read as they were drawn. The defence ad- ly to the county board, as the law requires, the court power to remove him. The objecmitted that the deputies of Mr. Milligan's but the county board have actually refused tion which the defence makes comes too late office had drawn their ewn salaries from to sudit his accounts, refused to make a set to quash the indictment before Judge the county treasury, and further brought tement with him, refused to obey the very Blanchard, and overruled. out the fact that the alleged handling of their law they rely upon for their own authority Fullerion: The county treasurer stands, salaries by the sheriff was merely a matter to act. The sheriff cannot keep his accounts of book keeping. showing what the salaries so as to tell at any moment what he owes the wore on the debit side, and that they had were on the debit side, and that they had county. He is constantly receiving money, with, wisely specifying that the Board been paid on the credit side, without saying constantly making expenses, constantly shall settle in full, and give him a receipt, who paid them, and that the balance would paying out money, and constantly obliged to have been the same had the name deputy do or hesitate to do doubtful things, or make been eraced from the report altogether.] expenses which the Board may allow, and small fine of \$1,000 was provided for to Some insane case orders, and orders show- even in allowing, refuse and err in refus. cover an officer's failure to report every six ing that turnkey feas had been paid Mr. ing, and hence a settlement is necessary, a months. It was a high degree of assurance Milligan, were also read, but it seemed that careful examination of accounts, &c. This here and talk of the enormous deficits of all had been ordered paid by the county ex Sheriff Milligan has constantly been wil- \$91,000, and \$88,000, and all that. They beard.

The prosecution then introduced the incane record, from page 129 to 294 inclusive, and a number of other records, to show that Mr. Milligan had charged more time for at. tendance upon the county court than the court was actually in session for jury business, and also introduced all the bills which were allowed Milligan by the county board. found does not apply to the sheriff. The point. They, of the people's side, come here Cross Examination .- Responsive to a ques-

tion by Mr. Mayo, Mr. McKeon said that Board of Supervisors or caused them to be and he is found to justly owe the county, detail, and triffling in aggregate, and in all not the slightest sign of intentional wrong and refuses to pay. A trial of an indictboard fixing the sheriff's salary at \$2,000 in March '83, and allowing \$1,700 for deputies, but later it was changed as to the deputies and made \$900 for one, and \$750 each for five additional men.

been presented for bill for \$1,496.66.

Mr. Mayo introduced the semi-annual re- have gone on paying for this to the sheriff, ports of the sheriff from and including June but now they come in and say such pay-'68 to June '86, each of which, excepting the ment is unlawful. Now they desire to deputies and other items. The supreme last report which was, by Norton's motion, send Mr. Milligan to the pentientiary. For court has so decided. In Milligan's case the referred to September '86. No action was what? For knowing more about the law board failed to fix his traveling expenses, taken upon it either at the September nor than the board of supervisors, or all the but required him to report his expences unthe December session. There was also a re- lawyers and judges in Ottawa. The fact is port for Dec. '86 and a supplemented report that Mr. Milligan has paid into the county preme Court have decided that these allow. but they were never acted upon. Mr. Mayo treasury exactly the amounts the county read the last two reports of Mr. Milligan, board have said he should. But for the was directed to report his expenses, under and offered them in evidence.

Re Direct .- Mr. Brewer -- "Was it not the negal practice to refer all bills to their proper committees without reading." A .- " It was."

J. H. BERVOORT. " Reside in Marshal county."

Mr. Brewer .-- "Were you not at one time interested in the insane case of Daniel Brewoort?"

A .- "Yes. He was declared insane and taken to Jacksonville by W. L. Milligan." Q .- " Did you send a draft for the expen-

A .- "I did. The amount was \$35; did not receive a receipt. I sent twice, the secod time \$1."

NO CASE. Judge Gilbert, when the jury had been get him indicted. His duty depends upon excused to their room, made a motion to their doing their duty first, and then a balthrow out all the evidence thus far intro- ance found due, and he falling or refusing duced. "The offense alleged," said Judge to pay it, then he for the first time would Gilbert, "is that of drawing moneys from be indictable, and not till then. the county, to which he was not entitled. The proposition then is, that if Mr. Milligan and county treasurer's, their books and acdrew money and collected fees, and that counts require no auditing, as in the case these moneys and fees were allowed him, if of a sheriff's from the nature of their busthey were paid him illegally, the county iness. Their accounts must be audited, and treasurer can make a demand upon him for as no indictment can lie against any one \$10,000, and upon his refusal to pay the for criminally withholding money until criminal code, when in fact it has no place not therefore lie in this case. him for the balance, and upon his refusal to that body. The defence made a motion to On Monday evening will be presented Alex pay it in, he is guilty of a misdemeanor \$1,000. Now it is utterly absurd to say that if it is only a mislement to review the act of Judge to the court of the cour that if it is only a misdemeanor to refuse to Blanchard. He denied that special penal store for only 25 cents. There will be a pay after his accounts are audited and a de- statutes overruled the general code where change of play each evening throughout the mand made upom him for the balance due, they conflict. They both are in force and week. it can be construed a crime not to turn over a balance supposed to be due the county the prosecutor chose the present one as when no accounts have been audited, and more humane. It is contended by the owner can have on proving property.

no demand made upon him for that balance, defence that as some six reports of Millias none can have been reached until his ac gan have been submitted to the board day morning with J. C. McKeos, deputy counts shall have been passed upon; and this should be accepted and madesettle ment, and

Yesterday morning Judge Gilbert proceedto be the record of the Board of Supervisors.

ed with his argument. There are several let the jury judge. But suppose Milligan's sections of the criminal code which define reports were false, the six of them, he can five years. At the July session of 1883 all offences of different county officers, and come in and say that the legislature of the bills were audited, but none paid, as there there are other sections of a general appliwas no money in the treasury. Instead, cation. Special enactments apply to the borrowing money also, the chairman of the officer is specially provided for by the stat | more of them. We can show that he has ute, the general provisions of the penal code are excluded [he read a decision of the Supreme court exactly to the point | and the | claim, then that is the end of our case. misdemeanor or crime specified must [be punished by the special penalty provided. Mr. McKeon read from the record sever. Interpretation of Laws," and asked the court to note the elightly differently worded

amine his accounts or make any settlement.

act. The Ex-Sheriff cannot be lawfully inhe had entered all the proceedings of the dicted till his accounts have been settled them, and we have found them, small in ment can not be turned to a civil suit to effect men will make, and as will be made to the a settlement, that is in the exclusive jurisdic- end of time. tion of the civil code; the trial of an action Prior te 1872, the fees and emoluments of the on the criminal docket cannot be transformed into a case of assumpsit. Every Here the defense waived cross-examina - sheriff of La Salle county since the amend- required that the officers should keep books tion to allow the introduction of a bill for ed fee and salary act has been paid by the showing the condition of their offices, and \$1,381,08 claimed by the prosecution to have county for summoning jurors. The statute the board of supervisors were required to expressly says the sheriff shall be paid a pare the semi annual reports of the officers certain amount for summoning jurors, but with their books, and settle up their accounts Taking up again the cross-examination, does not say who shall pay it, and the board and make the result known to the world. last year he has not settled because the. board would not examine his reports. He of the then prosecutor. Does it follow that has made two, as the law requires, and he obeying the board of supervisors, for doing can do po mere. The board's refusal to settle is not nis fault but their own direlection of duty. They are the law breakers, themselves. The board has deliberately refused to act upon these reports, the first filed two years. The Supreme Court has money. Can anyone be iswfully indicted decided that mistakes and errors may be and punished on such a state of things? They corrected at any time. Why don't the board corrected at any time. Why don't the board order from the board, came and demanded examine these reports, point out the mis- \$10,000. What for Who gave him author takes and put themselves right before the They have not settled with Milligan. They world, as well as giving Milligan a chance don't know what Milligan's claims are! They to redress them and pay any balance he refuse to ask him, or look into his last two anay owe the county or receive from it his due. And yet? the committee of the board that the moneys Milligan retains are fees colnot having done their duty as precribed

Duncan: In cases of school treasurer's amount, he could be sent to the penitentiary! the fact be definitely known that he has did not report it. We think he has collected This case is brought under a section of the retained funds, any criminal action can \$600 or \$700, which we claim he has collected

by law, they come before a grand jury and

under that section. Whenever a county of. Moloney accused Gilbert of having ported. Also there is a pretence that the county owes him. That's our case, your thonor, as short as I can make it. I should a settlement, or turn over the balance re ment, since the previous evening, and the like to write out a statement, and submit it maining is his hands to his successor, a spe- prosecutor re-asserted his previous charge to you before you announce your decision in cial provision of the statues says that he may that Milligan owes La Salle county from be indicted and upon conviction sent to the \$26,000 to \$28,000. Moloney adhered to penitentiary. It is made a misdemeanor for the opinion that a demand for money from a county officer to retain his fees. The law an ex-officer, by his successor, and a refusays that he shall makes his reports, and sal to pay was all that was needed to justify that the county board shall audit and pass an indictment. Moloney pitched into upon them, and when examined and the Court had decided a case on a misprinted engagement at popular prices, 15 and 25 cts. amount due the county is ascertained, the statute. Gilbert is always opposed to the The company is so well known to our theatre county board shall make a demand upon Supreme court and once wrote a book on goers that comment from us is unnecessary

Mayo: It was not argued.

until then no indictment is good. This is not correct. Milligan knows he is holding county, the board, approved them. That's nothing. If the six reports were false though the board approved of them, it collected fees from Tom, Dick and Harry, that he has not reported. If he's not one of the officers included in the section we

Brewer followed in an argument for the State. He thought the motion, or demurer punished by the special penalty provided. to the evidence, as prematurely made; he He read extensively from Bishop "On the thought the evidence had a tendency to sustain the indictment, and the facts submitted must be admitted as true. The evidence shows that Milligan has received \$55,661 and his deputies \$18,600 in addition. Also that the bailiffs received \$4,405. This was our testimony. This evidence, Mr. Milli gan's six reports, shows that he has received \$88,226.34 from different sources, and we expect to show more still. He was entitled to receive \$8,000 as a salary, still leaving \$80,226.34 expenses and incidentals. Of and \$4,405 paid his bailiffs. Can it be that for \$69,000 received by defendant, he can only be punished by \$1,000 fine? Is it possible that an officer who has taken so much take the position that this Sec. 35 has no application to this case. It has no application but to a defaulter in office, and gives as it should have come up before the motion

as all the other officers, by this same section. and if in arrears the Board must record the amount received, or due, for the sake of the Books, sheriff's bondsmen, as well as himself. This by the attorneys of the people to come in ling and ready to settle, but the county board say nothing about credits. Why talk just have constantly refused or neglected to ex- about balance? As fast as he drew county orders from the county he deposited them with the treasurer to the favor of the county. He read from authorities showing that the It is like the treasurer taking out money act charged against the defendant was not from one pocket and putting it in the other. an offense either by the statutes of England The county board is never estopped from examining officers' reports and correcting nor the common law. Sec. 201, of the crim-mistakes. He quoted two opinions of the inal code, under which this indictment is Supreme Court of Illinois sustaining this special law rules and displaces the other howling about items of debt against Mr. Milligan, but not a word do they say about errors the other way. They have found doing,-errors both ways, such as the best of

Sheriffs office were his and no report was required. He gave a history of the passage of the fee and salary act, in which it was The boards are bound to de it by the law. The beards have discretion to fix salaries of county officers, and provide for expenses of Large dinner plates \$1.00 old price \$1.00

der oath to them. ance of expenses may be changed from time to time by the board. The sheriff (Milligan) oath. He did so, and they allowed every bill, six of them, and nearly all under the direction what the board ordered bluz to do-what the Supreme Court have said the board had a right to direct him to do? Now, is it worth while to go farther with a case which must result in Mr. Milligan's acquittal? There never has been an audit of Milligan's accounts say that the county treasurer, without an reports.

The Court: Is it conceded, Mr. Moloney, Prunes per pound .... lected and retained by him?

Moloney: Yes, in part. The Court: What is there besides fees of office, retained by him?
Moloney; Moneys got on orders—orders appropriated. He had no order the firt three ears—no order on the clerk, except \$4,000 The Court: But his bills were approved?

Moloney: His reports were approved. The Court: The question is, is this likely to go through a long prosecution?

Moloney: It may take a day longer or so a day, I should think.
The Court: What I want is, to consider the case carefully. I do not desire work for nothing. These moneys-are they the fees of

the sheriff's office? Moleney: They are moneys he earned in service as required of him according to law. The county owned those moneys; about of persons charged as insane, not adjudged to be paupers. May be \$450 or \$600 not re-

Amusements.

the morning.

Commencing on Monday evening, March 5, and continue throughout the week with matinee on Saturday, the Basye-Davis Ideal Company, supporting the Charming young actress Miss Annie Burton will fill a week's quash the indictment, but he overruled it. ander Dumas' famous five Act Drama, "The Count of Monte Cristo" in which will appear



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Į	6 bars full we	laht	Tolor	hone or		
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Sire of Eminence, 2:774, 3 years.

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Mars, 2:86, 4 years.

By Mambrino Patchen, 38, sire of 15 in 2:20 list.

Dam: Favorite, 2:34, at 5 years old.

Dam of Favorite Wilkes, 3:37, 2:258.

Doily Spanker can trot in 2:20,

Empire, 2:78, 2:35.

Westwood, 2:35, kas trofted in 2:22,

Bourbon, Wilkes, 2:30, Hamletta, 2:294,

By Alex Abdaliah id, son of Hambletonian id.

Empire is a bay horse, 17 hands high, weighs 1,390 pounds, and is one of the finest of trotting coach stallons, and is a trotter himself and is the sire of trotters, its dam has a record of 2:34, and is the dam of five that have trotted in from 2:35 to 2:22.

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(3'05%. A haif in 1.28%, 2 years.)

By Grand Sentinel, 865, 2:27%.
Sire of 5 in the 2:30 list.

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2.35.

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Feb. 3.—"How shall we ultimately destroy the liquor traft?" Feb. 4. "The delusions of drink?"

REV. DELOSS M. TOMPKINS.

To All three lectures to be accommanded by music by the Herbert Quartette, of Monmonth.

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HON. JOHN SOBIESKI. One night during the week following the 4th of March. Subject: "Ten Years in the Army,"

HON. GEO. C. CHRISTIAN.

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